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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,362	03/12/2004	Jeffrey M. Harrington	GRTSTF.031A	6368

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EXAMINER	
LEE, CLOUD K	
ART UNIT	**PAPER NUMBER**
3753	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/02/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/02/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/799,362	HARRINGTON ET AL.	
	Examiner	Art Unit	
	Cloud K. Lee	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/29/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15, 18, 21, 28, 31-34 and 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Rudrich (US Patent No. 5,651,384).

Rudrich discloses a power savings system and its associated method comprising a wireless receiver (13) configured to receive wireless signals, the wireless receiver being capable of receiving the wireless signals only when the wireless receiver is in a powered state, a power control unit (2) configured to repeatedly switch the wireless receiver between powered and unpowered states in a cycle (see abstract), wherein the wireless receiver comprises a detection unit (12), a method of repeatedly switching a wireless receiver between powered and unpowered states in a cycle (see abstract), a flow controller comprising an inlet, an outlet, a fluid flow path defined between the inlet and outlet, an electrically actuated valve positioned to selectively close the fluid flow path (see Col 4 lines 12-18).

The recitation that an element is "configured to" perform a function is not a positive limitation but only requires the ability to so perform. The claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-14, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (US Patent No. 5,947,148) in view of Ericksen et al (US Patent No. 6,337,635) and Carrio (US Patent No. 4,690,181).

DeVito discloses a hose reel device (14) comprising a rotatable drum, an electrical motor connected to rotated the drum, electronic components in communication with the motor (18), a remote control comprising manual controls and wireless transmitter (23 and 27), wherein the electronic components further comprise an electronic logic unit (see abstract). DeVito fails to disclose a flow controller.

Ericksen et al disclose a flow controller comprising a wireless receiver (34) wherein the wireless receiver is integrated with the flow controller (see figure 1), wherein the electronic components include integrated circuit chips (see Col 3 lines 1-3), wherein the wireless receiver is a radio frequency (RF) receiver (see abstract), wherein the electronic components are configured to position the valve at plurality of positions between a open and closed position (see abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a flow controller in order to control the flow rate of the outdoor hose faucet (see Col 1 lines 8-13).

DeVito fails to disclose the remote control is configured to command the motor to both wind and unwind the hose about the drum.

Carrio discloses a remote control is configured to command the motor to both wind and unwind the hose about the drum (see Col 5 lines 35-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a remote control is configured to command the motor to both wind and unwind the hose about the drum in order to retract the hose to the wheel.

Claims 15, 18, 21, 28, 31-34 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (US Patent No. 5,947,148) in view of Ericksen et al (US Patent No. 6,337,635) and Rudrich (US Patent No. 5,651,384).

The modified DeVito fails to disclose a power saving system.

Rudrich discloses a power savings system and its associated method comprising a wireless receiver (13) configured to receive wireless signals, the wireless receiver being capable

of receiving the wireless signals only when the wireless receiver is in a powered state, a power control unit (2) configured to repeatedly switch the wireless receiver between powered and unpowered states in a cycle (see abstract), wherein the wireless receiver comprises a detection unit (12), a method of repeatedly switching a wireless receiver between powered and unpowered states in a cycle (see abstract), a flow controller comprising an inlet, an outlet, a fluid flow path defined between the inlet and outlet, an electrically actuated valve positioned to selectively close the fluid flow path (see Col 4 lines 12-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided provide a power saving system in order to reduce power usage as taught by Rudrick (see Col 2 lines 3-5).

Rudrich fails to explicitly disclose the wireless receiver in its powered state between about 2-20% or 3-10% of the time of the cycle. However, Rudrich recognizes that these dimension are results effective variables (see Col 2 lines 35-46), i.e. variables that achieve a recognized result. In the instant case, the time of the cycle is directly related to the amount of energy. Also, it is well known that the shorter of the time of the cycle requires less amount of energy. Since the prior art recognizes these as results-effective variables, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have chosen the time of the cycle, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art (see MPEP 2144.05).

The recitation that an element is "configured to" perform a function is not a positive limitation but only requires the ability to so perform. The claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably

distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (US Patent No. 5,947,148) in view of Ericksen et al (US Patent No. 6,337,635) as applied to claim 15 above, and further in view of Paese et al (US Patent No. 6,568,655).

The modified DeVito fails to disclose the power control unit comprises an operational amplifier.

Paese et al disclose the power control unit comprises an operational amplifier (340). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided an operational amplifier in order to provide a buffer with gain of about one for the power control unit as taught by Paese et al (see Col 11 lines 14-21).

6. Claims 22-23, 35 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericksen et al in view of Lutz et al (US Patent No. 6,017,017) and Carrio.

Ericksen et al fail to disclose a power control unit configured to reduce power consumption by applying an initial voltage to initiate movement of a valve and then reducing the voltage to the valve after the valve begins moving and before the valve is intended to stop.

Lutz et al disclose a power control unit configured to reduce power consumption by applying an initial voltage to initiate movement of a valve and then reducing the voltage to the valve after the valve begins moving and before the valve is intended to stop (see figure 3 and Col

2 lines 19-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a power control unit configured to reduce power consumption by applying an initial voltage to initiate movement of a valve and then reducing the voltage to the valve after the valve begins moving and before the valve is intended to stop in order to detect armature drop off from a holding position and to take immediate corrective actions as taught by Lutz et al (see Col 2 lines 1-5).

Carrio discloses a remote control is configured to command the motor to both wind and unwind the hose about the drum (see Col 5 lines 35-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a remote control is configured to command the motor to both wind and unwind the hose about the drum in order to retract the hose to the wheel.

7. Claims 22, 24, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito in view of Conner (US Patent No. 4,845,418) and Carrio.

DeVito fails to disclose a power control unit configured to reduce power consumption by applying an initial voltage to initiate movement of a motor and then reducing the voltage to the valve after the valve begins moving and before the motor is intended to stop.

Conner discloses a power control unit configured to reduce power consumption by applying an initial voltage to initiate movement of a motor and then reducing the voltage to the valve after the valve begins moving and before the valve is intended to stop (see figure 3A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a power control unit configured to reduce power consumption by

applying an initial voltage to initiate movement of a valve and then reducing the voltage to the valve after the valve begins moving and before the valve is intended to stop in order to improve flux profile for the motor as taught by Conner (see Col 4 lines 5-13).

Carrio discloses a remote control is configured to command the motor to both wind and unwind the hose about the drum (see Col 5 lines 35-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a remote control is configured to command the motor to both wind and unwind the hose about the drum in order to retract the hose to the wheel.

Response to Arguments

8. Applicant's arguments filed 1/8/07 have been fully considered but they are not persuasive.

In response to applicant's argument that Ericksen does not teach a flow controller to control the flow rate, Ericksen discloses a remotely controllable valve to starts and stops the flow of water, thus, Ericksen teachs a flow control to control the flow rate of the valve from 0 fluid flow rate to maximum fluid flow rate.

In response to applicant's argument that one of skill in the art would not motivated to use Ericksen's flow controller in combination with DeVito's apparatus, neither DeVito nor Ericksen disclose, suggest or teach away from using a remotely controllable valve in a fluid delivery hose system.

In response to applicant's argument that Ericksen teaches a controller unit located indoors, Ericksen also teaches a flow controller to control the flow rate of the outdoor hose faucet (see Col 1 lines 8-13).

In response to applicant's argument that Ericksen is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Ericksen discloses a remotely controllable valve system that pertinences the particular problem with which the applicant was concerned, to remotely control the valve.

In response to applicant's argument that Lutz does not teach a limitation "reducing the voltage before the valve is intended to stop", Lutz teaches a power control unit configured to reduce power consumption by applying an initial voltage to initiate movement of a valve and then reducing the voltage (see figure 3, the voltage reduced from i3 to i1 after ti until the device is intended to stop) to the valve after the valve begins moving and before the valve is intended to stop (see figure 3 and Col 2 lines 19-37).

Regarding the limitation "configure to", the recitation that an element is "configure to" perform a function is not a positive limitation but only requires the ability to so perform. The claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cloud K. Lee whose telephone number is (571)272-7206. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571)272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CL

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